

§ 1908.3

or state statutes, regulations or standards, based on criteria contained in the current OSHA field instructions or approved State Plan counterpart, except that the element of employer knowledge shall not be considered.

State includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

Training means the planned and organized activity of a consultant to impart skills, techniques and methodologies to employers and their employees to assist them in establishing and maintaining employment and a place of employment which is safe and healthful.

[49 FR 25094, June 19, 1984, as amended at 65 FR 64290, Oct. 26, 2000]

§ 1908.3 Eligibility and funding.

(a) *State eligibility.* Any state may enter into an agreement with the Assistant Secretary to perform consultation for private sector employers; except that a state having a plan approved under section 18 of the Act is eligible to participate in the program only if that Plan does not include provisions for federally funded consultation to private sector employers as a part of its plan.

(b) *Reimbursement.* (1) The Assistant Secretary will reimburse 90 percent of the costs incurred under a Cooperative Agreement entered into pursuant to this part. Approved training of State staff operating under a Cooperative Agreement and specified out-of-State travel by such staff will be fully reimbursed.

(2) Reimbursement to States under this part is limited to costs incurred in providing consultation to private sector employers only.

(i) In all States with Plans approved under section 18 of the Act, consultation provided to State and local governments, as well as the remaining range of voluntary compliance activities referred to in 29 CFR 1902.4(c)(2)(xiii), will not be affected by the provisions of this part. Federal reimbursement for these activities will be made in accordance with the provisions of section 23(g) of the Act.

29 CFR Ch. XVII (7–1–01 Edition)

(ii) In States without Plans approved under section 18, no Federal reimbursement for consultation provided to State and local governments will be allowed, although this activity may be conducted independently by a State with 100 percent State funding.

[49 FR 25094, June 19, 1984, as amended at 65 FR 64291, Oct. 26, 2000]

§ 1908.4 Offsite consultation.

The State may provide consultative services to employers on occupational safety and health issues by telephone and correspondence, and at locations other than the employer's worksite, such as the consultation project offices. It may, under limited conditions specified by the Assistant Secretary, include training and education.

§ 1908.5 Requests and scheduling for onsite consultation.

(a) *Encouraging requests*—(1) *State responsibility.* The State shall be responsible for encouraging employers to request consultative assistance and shall publicize the availability of its consultative service and the scope of the service which will be provided. The Assistant Secretary will also engage in activities to publicize and promote the program.

(2) *Promotional methods.* To inform employers of the availability of its consultative service and to encourage requests, the State may use methods such as the following:

- (i) Paid newspaper advertisements;
- (ii) Newspaper, magazine, and trade publication articles;
- (iii) Special direct mailings or telephone solicitations to establishments based on workers' compensation data or other appropriate listings;
- (iv) In-person visits to workplaces to explain the availability of the service, and participation at employer conferences and seminars;
- (v) Solicitation of support from State business and labor organizations and leaders, and public officials;
- (vi) Solicitation of publicizing by employers and employees who have received consultative services;
- (vii) Preparation and dissemination of publications, descriptive materials, and other appropriate items on consultative services;